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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/716,105

11/17/2000

Nandu Gopalakrishnan

5-3-5-6-14-9

6700

7590

06/10/2005

Docket Administrator (Room 3C-512)
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EXAMINER

NGUYEN, BRIAN D

ART UNIT

PAPER NUMBER

2661

DATE MAILED: 06/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/716,105

Applicant(s)

GOPALAKRISHNAN ET AL.

Examiner

Brian D. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2004.
2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-4 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 07 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 3 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: the steps that link one step of the claim to the other.

Claim 4 recites the limitation "the dedicated downlink channel" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Song (6,721,299) in view of Cerwall et al (6,032,0467) and Gustafsson et al (6,643,275).

Regarding claim 1, Song discloses a method comprising transmitting at a rate on a downlink shared channel having slots with each slot including a preamble locally identifying a

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wireless device unit and data; transmitting on a dedicated control channel associated with a dedicated downlink channel including power control bits and pilot bits (see figures 4 & 8; col. 3, line 55-col. 4, line 8; col. 9, lines 50-65; col. 5, lines 35-50). Song does not explicitly disclose transmitting on a beacon channel a power fraction information, downlink activity information and code space information. However, power fraction information, downlink activity information and code space information are well known in the art. Cerwall discloses that a beacon channel (broadcast control channel) can broadcast general system information about the cell to all mobiles stations located within its location area (see col. 4, lines 7-21) and Gustafsson discloses the broadcast includes power fraction information (channel transmit power level), downlink activity (the interference level), and code space (random access codes) (see col. 2, lines 15-19). One skilled in the art will recognize that the beacon channel may include any desired information depending on a particular application. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to transmit any general system information (such as power fraction information, downlink activity information and code space information) as taught by Cerwall and Gustafsson in the system of Song in order to meet specific needs.

Regarding claim 3, claim 3 is a method claim comprising the reversing steps of claim 1. Therefore, it is subject to the same rejection.

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Song in view of Cerwall and Gustafsson as applied to claim 1 3 above, and further in view of Raith (6,760,311).

Regarding claim 2, Song in view of Cerwall and Gustafsson does not specifically disclose receiving on an uplink dedicated control channel an acknowledgement information indicating the

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receipt of data. However, this feature is well known in the art. Raith discloses using acknowledgement information to indicate the receipt of data (see col. 6, line 65-col. 7, line 6). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include an acknowledgement information as taught by Raith in the system of Song in view of Cerwall and Gustafsson in order to notify the transmitting device the status of the transmitted data.

Regarding claim 4, claim 4 is a method claim comprising the reversing steps of claim 2. Therefore, it is subject to the same rejection.

Response to Arguments

6. Applicant's arguments filed 12/22/04 have been fully considered but they are not persuasive.

The applicant argued that *there is no teaching or suggestion in Cerwall for a method that includes the step of transmitting on beacon channel power fraction information, downlink activity information, and code space information*. This argument is not persuasive because as mentioned in previous Office Action, power fraction information, downlink activity information, and code space information are all well known in the art. Cerwall discloses *the broadcast system information includes data about the network that the mobile station needs to be able to communicate with the network in an appropriate manner*. Because power fraction information, downlink activity information, and code space information are information that the mobile station needs to be able to communicate with the network, one of ordinary skilled in the art will transmit power fraction information, downlink activity information, and code space information

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so that the mobile station can communicate with the network. The examiner uses Gustafsson reference in this Office Action merely to show the applicant these well-known features. Claim 2 is not allowable because some limitations in claim 4 are not in claim 2.

Allowable Subject Matter

7. Claim 4 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

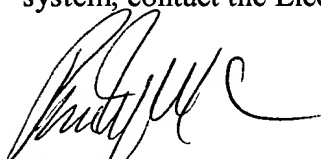
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian D. Nguyen whose telephone number is (571) 272-3084. The examiner can normally be reached on 7:30-6:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (571) 272-3126. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



6/8/05

BRIAN NGUYEN
PRIMARY EXAMINER